

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12/Election
Hovel
R/Hofe

Applicant(s): Lancaster, Loren T.

Serial No.: 09/689,442

Group Art Unit: 2822

Filed: October 12, 2000

Examiner: Brophy, J.

Title: Semiconductor Non-Volatile Memory
Device Having Improved Write Speed

Attorney Docket No.: NVX-0015C1

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The following is submitted in response to the Office Action dated November 8, 2002,
and is currently due December 8, 2002.

REMARKSElection of SpeciesProvisional Election with Traverse.

Applicant provisionally elects the species of FIGS. 7, 9 and 10-11 with traverse. Further,
claims 60-69 are provisionally identified as readable upon this species.

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37 C.F.R. §1.8

I hereby certify that this correspondence is being

☒ transmitted via facsimile to the United States Patent and Trademark Office to fax number: 1-703-872-9318
Date of Transmittal: DECEMBER 9, 2002

☐ deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for
Patents, Washington, D.C. 20231.

Date of Deposit: _____

Typed/Printed Name: BRADLEY T. SAKOSignature: [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Restriction Requirement Improper

The election of species is traversed, as the requirement restriction is improper. The restriction requirement has classified the invention into two species according claims. This is improper. Claims are definitions of inventions, claims are never species. Species are always the specifically different embodiments.¹

Because the restriction requirement has only presented claims to define species, the restriction requirement is improper, and should be withdrawn.

Applicant respectfully requests a reconsideration of the election requirement pursuant to CFR §1.143 to thereby establish right of petition on this matter.

It is believed that the requirements for restriction have been traversed and the application may now be examined on the merits. Such action is respectfully requested.

Respectfully Submitted,

Bradley T. Sako 12/9/02
Bradley T. Sako
Reg. No. 37,923

WALKER & SAKO, LLP
Bradley T. Sako
300 South First Street
Suite 235
San Jose, CA 95113
Tel. 1-408-289-5315

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¹ See MPEP §806.04(e), emphasis in original.

AMENDMENT TRANSMITTAL LETTER

Attorney Docket No:
NVX-0015C1Application Serial Number:
09/689,442Filing Date:
10/12/2000Examiner:
Br phy, J.Group Art Unit:
2822

Invention: Semiconductor Non-Volatile Memory Device Having Improved Write Speed

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21	MINUS	21	0	\$18	\$ 0.00
INDEP. CLAIMS	3	MINUS	3	0	\$84	\$ 0.00

____ Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of to and through, comprising an extension of the shortened statutory period of:

____ one month (\$110) ____ three months (\$920)

____ two months (\$400) ____ four months (\$1,440)

TOTAL ADDITIONAL FEE FOR THIS AMENDMENT

- ____ A check in the amount of \$ 0.00 is attached.
- ☒ Please charge any necessary additional fees or credit any overpayment to Deposit Account 50-2087.
- ☒ No additional fee is required.

Conditional Petition for Additional Extension of Time

It is believed that the indicated items are timely filed. However, in the event an additional extension of time is required, please consider this a petition for extension of time under 37 C.F.R. §1.136(a). Please charge any fees that may be required to Deposit Account No. 50-2087.

12/9/2002
dateBradley Sako
Reg. No. 37,923

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Typed/Printed Name: Bradley T. SakoSignature: Bradley T. Sako